

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Anthony Belden,

Case No. 22-cv-1058 (NEB/DTS)

Plaintiff,

v.

**REPORT AND RECOMMENDATION**

St. Croix County, et al.,

Defendants.

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In a letter dated April 26, 2022, the Clerk of Court instructed plaintiff Anthony Belden that he would be required either to pay the filing fee for this matter or to submit an application to proceed *in forma pauperis* (IFP). See Dkt. No. 2. Belden was expressly warned that failure to submit the required filing fee or an IFP application within 15 days could result in the dismissal of this action without prejudice.

That deadline has now passed, and Belden has neither paid the filing fee for this matter nor applied for IFP status. In fact, Belden has not communicated with the Court about this case at all since commencing this action. Accordingly, this Court now recommends, in accordance with the warning previously given to Belden, that this action be dismissed without prejudice under Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute. See *Henderson v. Renaissance Grand Hotel*, 267 F. App'x 496, 497 (8th Cir. 2008) (per curiam) ("A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.").

### RECOMMENDATION

For the reasons set forth above, the Court RECOMMENDS THAT this matter be **DISMISSED WITHOUT PREJUDICE** for failure to prosecute.

Dated: May 19, 2022

s/David T. Schultz  
DAVID T. SCHULTZ  
U.S. Magistrate Judge

### NOTICE

**Filing Objections:** This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. LR 72.2(b)(2). All objections and responses must comply with the word or line limits set for in LR 72.2(c).